

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

LAURIE ORTOLANO

VS NO: 22-CV-00326-LM

THE CITY OF NASHUA, Et Al.

DEPOSITION OF LAURIE ORTOLANO

This deposition taken by agreement of counsel
at the Law Offices of Cullen, Collimore & Shirley,
37 Technology Way, Suite 3W2, Nashua, New
Hampshire, on May 8, 2024, commencing at 10:20 a.m.

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1 Q So just a couple of things, I know you have
2 gone over this with Kurt, so I won't belabor
3 them but since Becky is here recording
4 everything, there are a couple of things we
5 have to do that are different than a normal
6 conversation.

7 Normally, you will be able to
8 anticipate how my -- even now, you will be
9 able to anticipate how my sentences are going
10 to end, but if you just let me finish them
11 before you give your answer, that would be
12 great. Okay?

13 A Sure.

14 Q I will try to do the same. I will let you
15 answer the question before I start my next
16 question. Okay?

17 A Sure.

18 Q As you are, keep your answers out loud. If
19 you start using hand signals, somebody will
20 just tell you what does that mean, and
21 likewise, if you nod or shake, somebody at the
22 table will ask, is that a yes. It's not meant
23 to be rude. It's just meant to get a clear

1 that. I don't have a sense how long it is
2 going to take, because as I said, I am not the
3 only one asking questions, but I do know it
4 will go much, much faster, if you can just
5 listen to my question and answer just the
6 question I ask. Some witnesses are more
7 garrulous than others, and that tends to make
8 these things run really long. I would just
9 encourage you to try and focus in on the
10 questions as best you can.

11 With respect to the prep for today,
12 other than meeting with your attorney or any
13 conversations you may or may not have had with
14 your husband, did you speak to anybody else
15 about your deposition, about the content of
16 it?

17 A No, putting together the discovery is what my
18 review process was.

19 Q Okay. So there weren't any particular
20 documents outside the discovery?

21 A Well, there is probably some that you have. I
22 mean, I still have until Friday, right, the
23 15th, is that when discovery ends?

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1 record. Okay?

2 A Understood.

3 Q Have you been deposed before?

4 A Once before in 2020 by Attorney Bolton.

5 Q Okay. That was in relation to one of the
6 Right-To-Know suits?

7 A Yes.

8 Q The only other thing, a couple things, I
9 guess, counsel enter into usually what is
10 called the usual stipulations, which just
11 means your attorney doesn't have to object to
12 every single question even if it might not be
13 admissible at trial. Those objections are
14 preserved until trial.

15 MR. CULLEN: Are we doing the usual
16 stipulations?

17 MR. OLSON: Absolutely. Yes, what
18 we entered into at the previous depositions,
19 the Lombardi deposition, that will be fine.

20 MR. CULLEN: Thank you.

21 Q And then if you need to take a break at any
22 time, just tell me you need to take a break,
23 you don't have to tell me why, and we can do

1 Q Well, I will let your lawyer talk to you about
2 your discovery process, but I am more
3 interested -- what specific documents did you
4 review to prepare for the deposition today?

5 A Everything I sent over to you that I numbered,
6 the timeline, yes, those types of records.
7 That was my refresher course.

8 Q And when you say the timeline, how about
9 e-mails and things like that between you and
10 members of the City?

11 A There were so many, I couldn't review them
12 all.

13 Q I just want to get a little of your
14 background, Ms. Ortolano.

15 Where did you grow up?

16 A Somers, Connecticut.

17 Q Somers?

18 A Yes, S-O-M-E-R-S.

19 Q Did you go to high school down there?

20 A I did.

21 Q When did you graduate?

22 A 1980.

23 Q What did you do after high school graduation?

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<p style="text-align: right;">Page 18</p> <p>1 -- maybe 2020, and the board itself has two or 2 three public people, and a gentleman who was 3 on it recommended that I take his seat. So he 4 wrote a referral to the governor, and the 5 governor made the recommendation to the 6 executive council, and I wasn't -- they didn't 7 do a vote because the governor knew before the 8 vote that I wasn't supported on a three-two 9 vote, so I didn't get that seat. And I ran 10 for public works in November of 2021, and I 11 lost that seat. That was an actual election. 12 Q The assessing standards board, that was a 13 state board? 14 A Yes. 15 Q You said you started doing assessing work in 16 2018. 17 When you say you started doing 18 assessing work, what do you mean? 19 A The new assessments had come out from KRT, the 20 company hired to do an update in late August, 21 and when I received our new number, I was 22 concerned, and I went to the assessing office 23 and had a conversation, and that started my</p>	<p style="text-align: right;">Page 20</p> <p>1 did give assistance, and I published some 2 things on GoodGov, where I told people to look 3 up data. If you are concerned, go look this 4 up. 5 I made a series of videos on GoodGov 6 on how to file an abatement, how to do it 7 yourself, and frankly, the City, I don't 8 think, was very happy about it, and I was 9 pretty squashed in the whole thing, so I never 10 did it again. I had people seek me out last 11 year, and I just didn't do it anymore. 12 Q When you say you think the City wasn't very 13 happy about it, what specifically made you 14 feel the City wasn't very happy about it? 15 A When I tried to assist two senior citizens, 16 and sent the abatements in to be date/time 17 stamped, they sat on them for almost 20 days 18 which is unheard of. That neighborhood had a 19 street of 8 properties to be reevaluated and 20 the City policy, policy practice or guideline 21 was if there is a cluster of houses that are 22 incorrect, they correct those first because 23 they can deal with a pile of them.</p>
<p style="text-align: right;">Page 19</p> <p>1 work into trying to get our property 2 assessment corrected. 3 Q So that is your first foray into what you call 4 assessing work? 5 A I actually did call in 2014 when we moved in, 6 and I saw our assessment jump 5 grand. Our 7 tax bill went up \$5,000. I made my first 8 contact with the tax assessor then. 9 And then I made contact again with 10 the assessing chief in 2017, very concerned 11 when my tax bill cost 18,000, and I thought it 12 was way too high. 13 I had minimal contact at those two 14 points. 15 Q I understand you also assist other people with 16 their assessing challenges, should we say? 17 A Not really. I would say the year after KRT 18 people did seek me out to help them with 19 their -- it wasn't KRT. It was when Vision 20 came out with the new numbers. They asked me 21 to help them out in 2021. I got calls from 22 neighborhoods, and letters saying, we seek 23 your assistance, come to our street, and so I</p>	<p style="text-align: right;">Page 21</p> <p>1 There was a cluster of houses in 2 that neighborhood at that time in 2021, they 3 ended up dealing with them last. They went to 4 the bottom of the pile. 5 People who went before the board who 6 carried their own assessments in, asked me for 7 help. There were only two I represented. 8 Everyone else went on their own, said to me 9 when they went before the board of assessor's, 10 they were questioned, oh, did somebody help 11 you, don't even say her name, we know who she 12 is. They seemed to be just not happy with the 13 work of what was submitted. 14 Q Sorry. To pin this down a little more, when 15 you say they, who didn't seem happy? 16 Specifically, who are you talking about? 17 A Kim Kleiner, I will say Ms. Kleiner. She was 18 running the assessing office at that time, and 19 I don't believe there was a chief at that 20 time. 21 Q Was it your impression that Ms. Kleiner had 22 direct contact with these applicants? 23 A I think a lot of them screened through the</p>

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1 A Right, I believed it was into the work of Greg
 2 Turgiss and Kim Kleiner, but it seemed to
 3 expand into the assessing department. It took
 4 on a different dimension.
 5 Q In any case, the conversation that you had
 6 with Lynn Cameron outside city hall took place
 7 while this investigation was ongoing?
 8 A Yes.
 9 Q The investigation that you had triggered,
 10 right?
 11 A Yes.
 12 Q You don't have any reason to think it wasn't
 13 known that you triggered this investigation,
 14 right?
 15 A I think they all knew that.
 16 Q You would agree Cameron could have chosen at
 17 that time not to talk to you outside, right?
 18 A Yes.
 19 Q And if she had said to you, Ms. Ortolano, I
 20 would really rather not talk about this
 21 outside of city hall, you would have honored
 22 that, right?
 23 A Yes.

1 Ms. Ortolano, I would rather not talk to you
 2 outside of city hall or outside the assessing
 3 office, you would have honored that, right?
 4 A I believe so, yes.
 5 Q Did you ever speak with Lynn Cameron about her
 6 discussions with Frank Lombardi about this
 7 incident?
 8 A No.
 9 Q Do you know if Cheryl Walley ever did?
 10 A I don't know. It is possible.
 11 Q But Cheryl hasn't come to you and said, hey, I
 12 just spoke to Lynn and here is what she said?
 13 A No.
 14 Q No one else has either, right?
 15 A No.
 16 Q The only information you have heard about Lynn
 17 Cameron's report of that incident comes from
 18 Frank Lombardi's interview of her?
 19 A Correct.
 20 Q Or his report?
 21 A What is written, and she was never a witness
 22 in any of my cases.
 23 Q And when you did eventually get a warning from

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1 Q And that really goes for anyone at the
 2 assessing department, right? If Louise Brown
 3 or anyone else had said to you face-to-face,
 4 Ms. Ortolano, I really only want to talk to
 5 you in city hall, in the department, I don't
 6 want to talk to you at Target or any other
 7 places, you would have honored that too,
 8 right?
 9 A That never happened. The only individual that
 10 seemed to trigger this was Lynn Brown behind
 11 Sy Mahfuz' business.
 12 Q Lynn Cameron?
 13 A I mean, Lynn Cameron behind Sy Mahfuz'
 14 business.
 15 It is funny you word it that way, at
 16 Target and stuff. I thought it was outside of
 17 city hall. When I got the warning, they said,
 18 you can't talk to any assessor outside of
 19 their office, the assessing office. I didn't
 20 even know that was the warning. I didn't
 21 realize that until I got it.
 22 Q My question was if any of the other members of
 23 the assessing department had asked you,

1 Detective Lombardi, it ran to all persons in
 2 assessing except for Cheryl Walley, correct?
 3 A It wasn't presented to me that way at the time
 4 the warning was given to me, but when I
 5 received the written warning four months
 6 later, that is what was in there.
 7 Q And have you spoken to any of the members of
 8 the assessing department, the members at that
 9 time, have you spoken to them at any time
 10 since about that warning?
 11 A No, only Cheryl Walley, and she was never
 12 notified by the police. They didn't include
 13 her. She didn't get asked one way or another.
 14 So she was the only one I talked to. No one
 15 else. I never spoke to anyone about it.
 16 Q You don't have any evidence one way or the
 17 other as to whether the other assessing
 18 department members actually asked that they be
 19 lumped into this warning?
 20 A Correct.
 21 Q We went over this before, so I will just be
 22 brief, but to keep it in order, you learned
 23 that the police came to your house?

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1 A Yes.

2 Q And then after you learned that, you went to

3 the police station to meet with Detective

4 Lombardi?

5 A And the other officer.

6 Q And where did that meeting take place?

7 A Right in the lobby.

8 Q They didn't take you into the back area at

9 all?

10 A No.

11 Q And what specifically, I am guessing here,

12 Detective Lombardi did the talking?

13 A Correct.

14 Q The other officer didn't speak at all?

15 A He did.

16 Q Did he just introduce you, or did he say

17 anything else?

18 A He introduced, and then at the end, he made a

19 comment, because I said something that made

20 him laugh, and he said that is really funny.

21 Q What was it that made him laugh?

22 A Detective Lombardi said to me, do you have any

23 questions, and I said I have a shit ton of

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1 it wasn't him, it was going to be Fojo or

2 Lehmann or another counsel?

3 A He did accurately record, is this even legal?

4 What is going on here? I just couldn't

5 imagine -- for over a year, I called it a

6 restraining order, a warning for a restraining

7 order. That is how I referred to it all the

8 time.

9 There is no such thing I found out

10 later. There really isn't. That is what it

11 felt like to me. I couldn't tell what it was.

12 Q At some point, you discussed this warning with

13 maybe it's Deputy Chief Testeverde?

14 A Yes.

15 Q Was he deputy chief then?

16 A He was a deputy, yes.

17 Q And you and he talked about this warning that

18 Lombardi had given you, right?

19 A Yes, it was awhile after, too, I believe.

20 Q And you actually asked for a similar warning

21 was to be given to Ms. Kleiner, right?

22 A Yes.

23 Q And do you know if that warning was given to

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1 questions, but I think I have to talk to my

2 lawyer, and this younger police officer burst

3 out laughing, and he said, that is really

4 funny, to get written up that way, but that is

5 what happened.

6 Q That is what happened?

7 A Yes. God's honest truth.

8 Q And the lawyer you would have talked to, was

9 that Fojo, or were you on to Lehmann?

10 A I was transitioning. I probably talked to

11 Fojo and Lehmann. I know I talked to Lehmann,

12 because he followed up on the Right-To-Know

13 for me to get the report. I am sure Lehmann.

14 Q And maybe Fojo also?

15 A Maybe.

16 Q Because you did have a lot of questions?

17 A Oh, I did.

18 Q You had a shit ton of questions, didn't you,

19 right?

20 A I didn't expect what came my way, that is what

21 it really came down to. I didn't expect it.

22 Q Once you got that news from Lombardi, you were

23 going to ask those questions of somebody. If

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1 Ms. Kleiner?

2 A I believe he talked to her, but it wasn't like

3 my warning. It had a whole different feel.

4 Q You weren't there when he talked to her?

5 A He wrote something up, and he sent it to me, I

6 think. And it was so carefully danced around,

7 actually, kind of felt like -- yes, it was

8 interesting.

9 Q What exactly did Lombardi say to you when he

10 gave you the no contact warning?

11 A Okay. It is hard for me to be exact, but I

12 will give you the points that you remember.

13 Just that he had in the course of

14 doing his investigation been given information

15 that employees of the assessing office did not

16 want to have contact with me. I thought he

17 said outside of city hall, and he said, you

18 recently had a conversation with Lynn Cameron

19 that she wasn't comfortable with, and

20 speaking, he didn't say he didn't speak, but

21 he said in speaking with all the staff, none

22 of them want you to have contact with them

23 outside of city hall, and I was shocked, and I

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1 said, even Cheryl Walley? I mean, Cheryl
2 Walley told you that? I think I talked to her
3 almost every day, almost every other day, and
4 he said, oh, no, not her, we didn't even ask
5 her. But everyone else? And he said, yes.

6 I said, what does that mean? Did I
7 do something harassing or threatening or was
8 I -- did I sound dangerous, what has happened
9 here? He said, no, no, not at all, you were
10 not. I said, is this even legal? He said,
11 yes, this is something we do all the time.
12 This is what we do. I said, it doesn't seem
13 right. What am I supposed to do with this?

14 I later learned talking to him, how
15 does this go away? Does this ever stop? He
16 said, no, it stays a warning forever. Now, I
17 kind of think it is gone because everybody has
18 left the office. I am going to call it over.

19 This is like a restraining order
20 that stays with me forever? He said, it just
21 stays on your record, and I was just stunned
22 by the whole thing. I really was. I couldn't
23 even wrap my head around. I had never been

1 Q Was Mindy somebody who you had known who she
2 was?

3 A Yes.

4 Q And you knew she was an employee of the legal
5 department?

6 A Yes.

7 Q And with respect to Attorney Neumann, again,
8 that was somebody you knew at the time?

9 A He had just started in December.

10 Q And but you, had you interacted with him
11 in-between December and that time?

12 A Yes.

13 Q So you knew that Attorney Neumann was in the
14 legal department also?

15 A Yes.

16 Q And obviously, and you knew Attorney Leonard?

17 A Yes.

18 Q And she wasn't there when you first arrived,
19 correct?

20 A Correct.

21 Q With respect to, how long were you in the
22 legal department area itself before you
23 decided to sit down and stay?

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1 police involved. I didn't know what to make
2 of it.

3 That is why he said, do you
4 understand everything here? I have a shit
5 load of questions. I need to talk to my
6 lawyer, and a young cop burst out laughing,
7 and he said that is really funny, I really
8 like that. And off I went, and I called my
9 husband right away.

10 Q I am going to move on now to the city hall
11 trespass. You want to take a couple minutes?

12 A Let me just take five minutes.

13 (Short recess.)

14 Q (By MR. CULLEN:) Coming back, I want to talk
15 to you a little bit about the city hall
16 incident of January 22nd, 2022?

17 A '21.

18 Q '21. I read somewhere, I think you have a
19 whole affidavit on this. I don't want to
20 belabor it too much.

21 When you went upstairs that day, it
22 was Mindy Lloyd who answered the door?

23 A Yes.

1 A Probably two minutes, and then there is that
2 entry hallway area, so I would say maybe not
3 even two minutes. It was very short, and I
4 went to that hallway.

5 Q Is that -- there is a photo. Let me show you
6 a picture here. We can mark this as Exhibit
7 2.

8 (Whereupon, the court reporter
9 marked Exhibit Number 2, Union Leader article,
10 for Identification.)

11 Q The photo is you, I take it?

12 A Yes.

13 Q You look like you are maybe waving?

14 A When I realized she was taking the picture, I
15 put my hand up. It was a reflex.

16 Q To stop the photo?

17 A Just what are you doing, but she took the
18 photo. She took two photos.

19 Q And so where you are sitting now, is that
20 where you sat for the duration you sat in the
21 legal department area, this is where you sat?

22 A No.

23 Q Where did you first sit?

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1 you own the property for ten years, and then
 2 you can get citizenship or residency or
 3 something like that?
 4 A It moved much quicker. You can get it in two
 5 or three years.
 6 Q Have you obtained yours now?
 7 A We have our residency visa right now. So we
 8 have to go through that two or three years,
 9 pass a language exam and a history exam to
 10 become a citizen. My Portuguese isn't what it
 11 needs to be yet.
 12 Q Is that the only thing holding you back now
 13 Portuguese language skills?
 14 A Yes, and my son who speaks seven languages is
 15 learning it now to teach his mother.
 16 (Whereupon, the court reporter
 17 marked Exhibit Number 8, Affidavit of
 18 Plaintiff to Inception Technologies, for
 19 Identification.)
 20 Q Exhibit 8 is an affidavit, Ms. Ortolano, from
 21 you that was filed in response to the
 22 Inception/Feoli motion to dismiss back in
 23 December of 2022.

1 good grasp on the workings of the Nashua City
 2 Government."
 3 That statement was still true as of
 4 December of 2022 when you signed the
 5 affidavit, right?
 6 A When was it signed?
 7 Q The 5th of December 2022?
 8 A Yes, I stopped going in October of 2022, but I
 9 still could watch them on TV, yes.
 10 Q Why did you stop going in October of 2022?
 11 A Because there was an incident with an alderman
 12 who referred to me as giving off predatory
 13 vibes like crazy, and he was a social worker,
 14 a licensed social worker, and based on his
 15 background, he felt that I did oppositional
 16 research on children and I had predatory
 17 qualities, and I didn't want be -- I didn't
 18 want them bringing it up and over and over
 19 again.
 20 The board has a tendency to use
 21 their public comment at the end, their time to
 22 speak when the public can't speak to raise
 23 issues about me, and I felt that it would come

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1 A Yes.
 2 Q The last page has a /s/ electronic signature?
 3 A Yes.
 4 Q This is, in fact, your affidavit, correct?
 5 A Yes.
 6 Q Somewhere in the ether, there is an actual one
 7 signed by you?
 8 A I would assume so, but I just can't remember.
 9 Q In any event, this was something you reviewed
 10 and signed under the pains and penalties of
 11 perjury?
 12 A When you ask me that way, it looks like you
 13 found something.
 14 Q No, I am not actually trying to trick you. I
 15 am just trying to confirm it is your
 16 affidavit?
 17 A Yes, to the absolute best of my ability. I
 18 was absolutely trying to be truthful.
 19 Q In paragraph 3, you say, "By regularly
 20 attending public hearings and meetings
 21 conducted by the City of Nashua Government and
 22 keeping up with the bulk of pending issues
 23 affecting the citizens of Nashua, I have a

1 up over and over again, so I removed myself
 2 from board meetings. From that time, really,
 3 forward until now, I have attended very few.
 4 Q That was Alderman Moran?
 5 A Yes.
 6 Q On paragraph 4, "In 2020, the City chose to
 7 undertake a project to outsource all property
 8 record files in order to create digitally
 9 scanned files."
 10 How did you first learn about that
 11 project?
 12 A I believe Ms. Kleiner went to the budget
 13 committee to get approval of a dollar amount
 14 that was in excess of 25 grand and required
 15 approval. I believe the first round of money
 16 was under 25 grand, but then she needed more.
 17 I can't recall the date exactly. It did
 18 require budget committee approval.
 19 Q And do you remember when it was that you first
 20 learned about that project?
 21 A It says, "In 2020, the City chose to undertake
 22 a project." It must have been -- like the
 23 month, I don't remember.

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1 Q But short -- within 2020 most likely?

2 A Yes, I don't think it started in '19. I think

3 it started in '20, and COVID was running, it

4 was tricky. I remember COVID being a factor.

5 Q I guess, if you say here the budget -- "The

6 City chose to undertake the project in 2020,"

7 I am just trying to get a sense how soon after

8 that, after it started, did you learn about

9 it?

10 A Oh, I would have learned about it -- I went to

11 a lot of budget review committee meetings. I

12 would have learned about it right then. It

13 would have been something that piqued my

14 interest. It was a big deal.

15 Q That was going to make your assessment work

16 easier, if it is digitized, theoretically?

17 A Theoretically. I had some doubts.

18 Q Theoretically, this was going to be

19 potentially a boon for you?

20 A A help, to have home resources to review

21 property files, not just a card, but files.

22 Q Paragraph 5, you write, "Unfortunately that

23 project started to linger, which restricted

1 scanning, and when is it coming back, and

2 there was a system set up in assessing that

3 when they boxed them, there was supposed to be

4 an indexing system, so if a citizen wanted a

5 record, and they were still in city hall, you

6 could retrieve it from the box, but they were

7 not retrieving them.

8 Then when they went out to

9 Inception, they were taking a very long time

10 to get the boxes back. The records were just

11 not available. It went on for years.

12 Q So the short answer is within about six months

13 of when the project started, Inception was

14 lingering?

15 A Yes, I will bear that in mind.

16 Q At some stage, you spoke with Raymond Feoli

17 about the project, right?

18 A Yes.

19 Q And did you reach him the first time you

20 called him, or was it a voicemail the first

21 time?

22 A I don't think I reached him at all. I mean, I

23 remember having a very hard time finding his

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1 access to these public records, and resulted

2 in great frustration."

3 Do you mean great frustration to

4 you?

5 A Yes.

6 Q When was it that the project started to

7 linger?

8 A Well, I believe it was presented to the budget

9 committee as being something that could be

10 done in like four to six months, and this

11 was -- I am not certain it is done now. So

12 this had a lot of, it took a lot more time.

13 Yes, it took years. Like I said, I don't know

14 if it is done.

15 Q So the project started, according to paragraph

16 4, in 2020.

17 About when was it that you

18 decided -- that you determined it started to

19 linger?

20 A When we cleared like six months, when we

21 cleared that time, and what happened is I

22 would contact assessing to get a file, and

23 they would say, oh, it is boxed, it is out for

1 number. Whenever I called, I don't think it

2 even worked.

3 At some point, I reached him. Would

4 it have been a voicemail at the beginning, I

5 don't recall.

6 Q When you first spoke to him, how did you

7 introduce yourself?

8 A Laurie Ortolano, I am trying to find out when

9 we are going to have the scanning job done on

10 all of these property cards.

11 Q Did you tell him that it was Laurie Ortolano

12 from Nashua?

13 A Well, I think -- I don't necessarily think I

14 even said from Nashua, because I was

15 discussing the Nashua project, so I am not

16 certain I announced it that way.

17 I explained to him why I was

18 frustrated, which I believe he would have

19 understood, I am a citizen. I am trying to

20 retrieve files, and I said, you have had a

21 batch of files in your office for an extended

22 period of time. And he explained to me, yes,

23 they are sitting right in my warehouse.

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1 I said if you don't ship them back,
 2 then people like me, a citizen, cannot get
 3 those files, because they are not back in the
 4 office. So I thought he understood that I was
 5 clearly speaking as a frustrated person trying
 6 to find the files.
 7 Q Are you telling me now you said me as a
 8 citizen?
 9 A Well, I definitely said I can't get these
 10 files to look through them.
 11 Q Because you say in the affidavit, we don't
 12 have access to those files. You put it in
 13 quotes.
 14 Is that what you said?
 15 A Sure.
 16 Q I want to make sure. Sometimes we have a
 17 tendency to talk about what I would have said,
 18 what I could have said, what I should have
 19 said.
 20 A Absolutely.
 21 Q What you actually said. What you quoted in
 22 the affidavit, we don't have access to those
 23 files?

1 you were in the process of scanning records."
 2 Do you recall that conversation?
 3 A I think I do, and I think I did speak to him
 4 very generally on what was going on. I don't
 5 recall it being specific at all, just where
 6 were we going, did he know when it was going
 7 to get done. The date of this e-mail is what,
 8 February 8th of 2022. I was definitely trying
 9 to get some files I couldn't get.
 10 Q Do you remember anything specific about that
 11 earlier conversation, would have taken place
 12 two months earlier?
 13 A No, because I viewed it as pretty friendly and
 14 helpful. Nothing stood out in my mind.
 15 Q And even as we sit here today, you don't
 16 remember anything specific that you said to
 17 Mr. Feoli or he said to you back two months
 18 before February 8, 2022, correct?
 19 A I don't.
 20 Q Back to your affidavit, Exhibit 8, in
 21 paragraph 9, you write towards the bottom, "I
 22 told Feoli that I would inquire from Kleiner
 23 about when more money would be paid to get the

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1 A Right.
 2 Q Have you spoken to Mr. Feoli prior to this
 3 exchange you had about the frustration in the
 4 files?
 5 A I don't know that I did. I think I had one
 6 conversation, for sure. There might have been
 7 a second short one. I don't recall. I know
 8 left a message, for sure. I definitely left a
 9 message at one point, but it was over pretty
 10 quickly because it became a public incident.
 11 Q Let me show you this one.
 12 (Whereupon, the court reporter
 13 marked Exhibit Number 9, E-mail 2-9-22
 14 Feoli/Goodwin/Ortolano, for Identification.)
 15 Q This is an exhibit to your affidavit. It is
 16 marked 33-2 at the top. The first page
 17 appears to be an e-mail from you to Mr. Feoli
 18 with copies to Ms. Kleiner, the Mayor and the
 19 board?
 20 A Yes.
 21 Q In the third paragraph of the e-mail you
 22 write, "I spoke with you a couple months ago,
 23 and you provided a helpful explanation where

1 job done."
 2 Do you see that?
 3 A Yes.
 4 Q That is something you told Feoli you would do?
 5 A Yes.
 6 Q Do you speak at every meeting at which you
 7 attend, every public meeting?
 8 A No.
 9 Q Obviously, you attend a fair number, because
 10 we have a stack of them here.
 11 A I did up until 2022.
 12 Q Of the meetings that you attend, what is your
 13 best estimate of how frequently you would
 14 speak versus not speak?
 15 A Frequently, I would say 80 percent of the
 16 time, 85 percent of the time.
 17 Q So if we have, and we do, if we have 65
 18 meetings that you attended and spoke at
 19 between March 2021 and the end of 2021, you
 20 would have probably attended 80 meetings and
 21 spoke at about 65?
 22 A I would say yes, and giving me a time frame, I
 23 haven't looked at my records, so I would say

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1 six-year period. They don't process them
2 quickly like other municipalities do. In the
3 process of doing that, you are holding lawyers
4 who are representing private businesses' or
5 owners' properties for years. They are tied
6 up in litigation with the City because they
7 don't close those cases down.
8 Q But don't you have to appeal a denied
9 abatement by the next September to either the
10 Court or the Board of Land and Tax Appeals?
11 A Sure. You can. You can settle them out,
12 appeal them, yes.
13 Q But once they are appealed, either to the
14 Court or the board, then the case has to be
15 heard there, in accordance with the scheduling
16 with the board or the Court, right?
17 A Yes.
18 Q Last page of Exhibit 15, paragraph number 14?
19 A Yes.
20 Q You talk about seeking assistance to do a
21 declaratory judgment on the constitutional
22 violation of forming of shell corporations.
23 You said that "no attorney would assist as

1 Q Aivalikles, Lehmann, and whoever the third one
2 was?
3 A And I also contacted the New Hampshire Bar
4 Association to see if I could try and find
5 somebody. No response, no attorneys
6 available, and no answer to my phone call.
7 MR. HILLIARD: I don't have any
8 other questions. Thank you.
9 INTERROGATORIES BY MS. FEENEY:
10 Q I just have a few questions for you. My name
11 is Dona Feeney, and I represent Kim Kleiner.
12 I have a very, very bad habit of talking very
13 rapidly. I make no apologies for it. I just
14 tell witnesses if I am going too fast, hold up
15 your hand, tell me. I may be skipping around,
16 I am not doing that intentionally to try and
17 confuse you. I am just trying to backfill
18 some of my notes based on what I have written
19 down.
20 Are you able to tell me, please,
21 what specifically Kim Kleiner did that
22 restricted your ability to speak freely, in
23 other words your First Amendment rights that

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1 they viewed the entire project as corrupt and
2 felt it should be before the Attorney General,
3 Jane Young's office" -- that would be the
4 United States attorney?
5 A Yes.
6 Q "The FBI or other federal agencies."
7 Who are you referring to there?
8 A I am referring to the paper we wrote -- I am
9 referring to Judge Temple's court order of the
10 footnote.
11 Q It was a poorly worded question.
12 You said, "No attorney would assist
13 as they viewed the entire project as corrupt."
14 What attorneys are you speaking of there?
15 A Different attorneys I tried to contact for
16 assistance.
17 Q Who?
18 A Attorney Aivalikles, Attorney Lehmann,
19 Attorney -- I don't remember his name, but I
20 met him at a social function, and he said he
21 would help. And then when I called him, he
22 said, yes, I don't want to help. Those three
23 come to mind.

1 you pled in count one?
2 A Well, there is a lot in my affidavit about
3 things that went on, and her restricting the
4 assessors in the assessing office from having
5 any communication with me was a big shift and
6 a change when she came on in April, March 1,
7 April 1 when she took over the assessing
8 office, and she developed agendas that
9 specifically called out that no assessor is to
10 communicate directly with Laurie Ortolano, and
11 she proceeded on a series of changes that went
12 on from, I think April 1st to September, and
13 then they stopped because I put in a
14 Right-To-Know, outlining the tracking and what
15 had to be done when she was requesting
16 information, and who she could speak to.
17 Q Would it be fair to say it was primarily part
18 and parcel of the Right-To-Know request you
19 were endeavoring to make as a result of the
20 assessing information you wanted?
21 A Well, I was really trying to understand my
22 assessment. Assessors are there in any
23 property assessment to speak to those issues

<p style="text-align: right;">Page 138</p> <p>1 in general to any member of the public.</p> <p>2 Q I appreciate that. That wasn't exactly my</p> <p>3 question. Perhaps it was a bad one. So let</p> <p>4 me try and ask it again.</p> <p>5 In count 1 of your complaint, you</p> <p>6 claiming all of the defendants affected your</p> <p>7 right to free speech, and what I am asking is,</p> <p>8 you have not separately said what Kim Kleiner</p> <p>9 did, and what I want to understand today,</p> <p>10 under oath, what is it that you contend Kim</p> <p>11 Kleiner did that restricted your free speech</p> <p>12 rights under the First Amendment?</p> <p>13 A Okay. So I think the example I gave just</p> <p>14 right now is a valid example of restricting my</p> <p>15 ability to access the people in the office,</p> <p>16 her decision to lay out agendas the way she</p> <p>17 did and to issue orders as a director to</p> <p>18 assessors and clerical members to stop me from</p> <p>19 accessing information, and it wasn't just the</p> <p>20 assessors.</p> <p>21 When she told the front staff that</p> <p>22 they could no longer service me when I come</p> <p>23 in, and that everything would be directed to</p>	<p style="text-align: right;">Page 140</p> <p>1 three minutes to do that because it was --</p> <p>2 there were so many things leveled in that</p> <p>3 20-minute conversation that happened with her</p> <p>4 in the board of aldermen and Lori Wilshire</p> <p>5 denied me the opportunity to speak to it.</p> <p>6 Q But Kim Kleiner didn't deny you the</p> <p>7 opportunity to speak --</p> <p>8 A Kim Kleiner chose to address that issue as a</p> <p>9 public matter, putting me out there in a</p> <p>10 criminal forum--</p> <p>11 Q I appreciate that is your perspective.</p> <p>12 I am asking you specifically, Kim</p> <p>13 Kleiner didn't restrict your opportunity to</p> <p>14 speak at that meeting, am I correct?</p> <p>15 A That is true.</p> <p>16 Q Other than those two examples, anything else</p> <p>17 you can tell me specifically that Kim Kleiner</p> <p>18 did to restrict your speech?</p> <p>19 A I am sure I could, but --</p> <p>20 Q Why don't you take a moment and think about</p> <p>21 it? This is the only time I have an</p> <p>22 opportunity to examine you under oath before</p> <p>23 trial, and I would like to know specifically</p>
<p style="text-align: right;">Page 139</p> <p>1 Louise Brown, which again was a progression.</p> <p>2 Initially, it was one person that was handling</p> <p>3 me, or you were writing it down, and then it</p> <p>4 ended up switching to Louise Brown was the</p> <p>5 only one who could assist me, and Louise Brown</p> <p>6 was rarely in the office when I went in. She</p> <p>7 was not there.</p> <p>8 So I would walk into an office, and</p> <p>9 three women whose job descriptions said 50</p> <p>10 percent of their time would be spent assisting</p> <p>11 customers who walked in would be sitting at</p> <p>12 their desks with their heads down not willing</p> <p>13 to get up or even look at me, and feeling</p> <p>14 uncomfortable because the rules had changed.</p> <p>15 That is one example.</p> <p>16 Another thing that restricted my</p> <p>17 speech, and in defense of myself, was her</p> <p>18 announcement that was I was under criminal</p> <p>19 investigation for the Ray Feoli issue in a</p> <p>20 board of aldermen meeting. I think that</p> <p>21 portrayed me in a way that was very negative.</p> <p>22 I went to the microphone to try and defend</p> <p>23 myself at the end and asked for more than</p>	<p style="text-align: right;">Page 141</p> <p>1 what it is you contend Kim Kleiner did to</p> <p>2 restrict your speech?</p> <p>3 A I know there is more. I just can't think of</p> <p>4 them right now. I am just going to let them</p> <p>5 go. If you could walk me through a timeline</p> <p>6 that helped me, I would do that.</p> <p>7 Q I don't have the burden of proof. If you</p> <p>8 can't remember anything else, I will move on</p> <p>9 to the next question.</p> <p>10 My next question is, what is it that</p> <p>11 Kim Kleiner specifically did that affected</p> <p>12 your rights to petition the government or the</p> <p>13 City of Nashua for redress, that is count 2 of</p> <p>14 your complaint in this case?</p> <p>15 MR. OLSON: Objection. Asked and</p> <p>16 answered.</p> <p>17 MS. FEENEY: Well, two different</p> <p>18 counts, and so it is a form objection here in</p> <p>19 federal court.</p> <p>20 Q You can answer the question.</p> <p>21 A Say it again.</p> <p>22 MS. FEENEY: Sure. May I have it</p> <p>23 read back?</p>

<p style="text-align: right;">Page 142</p> <p>1 (The record was read.)</p> <p>2 A Setting up the agendas and taking over the</p> <p>3 assessment office to set up the agendas where</p> <p>4 the entire staff down there was restricted in</p> <p>5 speaking to me and answering my questions was</p> <p>6 huge. There were hundreds of people walking</p> <p>7 in at the time I was there, and they were all</p> <p>8 being serviced freely, and I was not.</p> <p>9 I would watch people walk right in</p> <p>10 front of me go to a counter, ask the clerk or</p> <p>11 ask to speak to an assessor, and they would go</p> <p>12 get them and bring them out. I would walk up</p> <p>13 next, and say, could I, please, speak to an</p> <p>14 assessor, and they would not come out. I</p> <p>15 would be told, no, you can't. Write it down.</p> <p>16 Maybe we will get back to you. Could I come</p> <p>17 back later? No, you can't.</p> <p>18 That, all my work in the assessing</p> <p>19 office from, you know, April 1st of 2019 until</p> <p>20 my appeal was done in 2021 was completely</p> <p>21 restricted on a set of rules that I didn't</p> <p>22 have equal footing with everyone else who went</p> <p>23 in there.</p>	<p style="text-align: right;">Page 144</p> <p>1 A I can't say for sure.</p> <p>2 Q Okay. So you don't know?</p> <p>3 A I don't.</p> <p>4 Q You know it is more than one, but probably not</p> <p>5 more than five?</p> <p>6 A That may not be true.</p> <p>7 Q Okay. So under oath today, what is true?</p> <p>8 How many times did Kim Kleiner speak</p> <p>9 to you directly and tell you you couldn't have</p> <p>10 something, you couldn't look for something,</p> <p>11 she wasn't going to get something for you?</p> <p>12 A Well, she wouldn't allow me to talk to her</p> <p>13 about the assessor whose files were not</p> <p>14 properly handled, and I ended up hiring an</p> <p>15 investigator.</p> <p>16 Q That is not quite the answer to my question.</p> <p>17 Did Kim Kleiner tell you that?</p> <p>18 A Yes.</p> <p>19 Q And that is one occasion?</p> <p>20 A Sure.</p> <p>21 Q How many other occasions?</p> <p>22 A I am trying to think back. I had a meeting</p> <p>23 with her on that.</p>
<p style="text-align: right;">Page 143</p> <p>1 Q I appreciate your perspective on that, ma'am.</p> <p>2 Thank you.</p> <p>3 How many times did Kim Kleiner speak</p> <p>4 to you directly and say, you couldn't get or</p> <p>5 do something or have something?</p> <p>6 A By way -- well, there is a lot of</p> <p>7 Right-To-Knows. There is a lot of --</p> <p>8 Q My question is -- I would be happy to have it</p> <p>9 read back. We are at the end of a long day.</p> <p>10 I want to know on how many occasions</p> <p>11 Kim Kleiner spoke to you directly and said,</p> <p>12 you can't have, you can't do, you can't</p> <p>13 petition for this?</p> <p>14 A I can't recall. I don't have the count</p> <p>15 number. I can't give you a count number.</p> <p>16 Q More than one time?</p> <p>17 A Yes.</p> <p>18 Q That Kim Kleiner spoke to you directly?</p> <p>19 A Yes.</p> <p>20 Q More than five times?</p> <p>21 A Probably, yes.</p> <p>22 Q But probably, so sometime between one and five</p> <p>23 times, is that your best estimate?</p>	<p style="text-align: right;">Page 145</p> <p>1 She gave me a phone call right away</p> <p>2 when I was looking at my property and said</p> <p>3 that she would look into the assessment in</p> <p>4 September of 2018 and get back to me on why my</p> <p>5 assessment appeared so incorrect, and she</p> <p>6 never got back to me.</p> <p>7 Q That was a second time she spoke to you, and</p> <p>8 what you are objecting to is the fact that she</p> <p>9 didn't follow up with you, is that accurate?</p> <p>10 A There was no follow-up to try and fix the</p> <p>11 problem.</p> <p>12 Q So that's accurate. She didn't get back to</p> <p>13 you, am I right?</p> <p>14 A Correct.</p> <p>15 Q That's two times.</p> <p>16 A Okay. Let's see, so I went with her.</p> <p>17 The property record cards. Trying</p> <p>18 to work with her to find out when the property</p> <p>19 record files were going to be fully scanned</p> <p>20 and online, asking her to do a review so we</p> <p>21 could get those records, no responses, no</p> <p>22 information back. I can't recall -- which is</p> <p>23 why I reached out to Mr. Feoli directly.</p>